

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

PAMELA BRADLEY,)
vs.)
Plaintiff,)
vs.)
CITY OF ORANGEBURG,)
Defendant.)
Case No. 5:13-cv-00521-TLW

ORDER

Plaintiff Pamela Bradley filed this action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*, against Defendant City of Orangeburg. (Doc. #1). Plaintiff's attorney, Janet Rhodes, filed a motion to withdraw on May 1, 2014. (Doc. #29). Plaintiff responded, asking that Rhodes continue as her attorney until Plaintiff found new counsel. (Doc. #30). United States Magistrate Judge Paige J. Gossett, to whom this case was assigned pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), then directed Plaintiff to advise the Court of her status of counsel by June 27, 2014. (Doc. #33). Plaintiff failed to do so.

On July 11, 2014, Defendant filed a motion to dismiss for failure to prosecute (Doc. #35), to which Plaintiff did not respond. On August 5, 2014, the Magistrate Judge issued an Order granting Rhodes's motion to withdraw as counsel. (Doc. #37). On August 12, 2014, Plaintiff filed an objection to the Magistrate Judge's Order. (Doc. #41). Rhodes responded on August 26, 2014. (Doc. #49).

Also on August 5, 2014, the Magistrate Judge filed a Report and Recommendation (“the Report”), which recommends that this Court deny Defendant’s motion to dismiss for failure to prosecute without prejudice and with leave to refile should Plaintiff fail to prosecute her case.

(Doc. #38). Objections to the Report were due by August 22, 2014. Defendant did not file objections. This matter is now before the Court for review of the Magistrate Judge's Order granting Rhodes's motion to withdraw as counsel (Doc. #37) and for review of the Report, which recommends denying Defendant's motion to dismiss (Doc. #38).

Federal Rule of Civil Procedure 72(a) allows a party to object to a Magistrate Judge's non-dispositive, pretrial order by serving and filing objections to the order within 14 days after being served with a copy of the order. The Court must consider timely objections, modifying or setting aside any part of the order that is "clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a). The Court has carefully reviewed the Order granting Rhodes's motion to withdraw (Doc. #37), Plaintiff's objections (Doc. #41), and Rhodes's response thereto (Doc. #49) in accordance with the standard announced in Rule 72(a) and finds no clear error. Accordingly, the Order will be affirmed.

The Court is charged with conducting a de novo review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained therein. 28 U.S.C. § 636. However, in the absence of objections to the Report, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendation. See Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, "a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'"
Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

In light of this standard, the Court has carefully reviewed the Report and concludes that it accurately summarizes the case and the applicable law. Accordingly, for the reasons articulated

by the Magistrate Judge, it is hereby **ORDERED** that the Report and Recommendation is **ACCEPTED**. (Doc. #38). Defendant's motion to dismiss for failure to prosecute is **DENIED** without prejudice and with leave to refile should Plaintiff fail to prosecute her case. (Doc. #35). It is **FURTHER ORDERED** that Plaintiff's objections to the Magistrate Judge's Order granting Rhodes's motion to withdraw as Plaintiff's attorney are **OVERRULED** (Doc. #41), and the Order is **AFFIRMED** (Doc. #37).

IT IS SO ORDERED.

s/ Terry L. Wooten _____

Terry L. Wooten
Chief United States District Judge

October 3, 2014
Columbia, South Carolina